



General Assembly

January Session, 2007

Committee Bill No. 5639

LCO No. 5904

05904HB05639HS_

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT CONCERNING THE CLOSING OR RELOCATION OF A LONG-TERM CARE FACILITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-353 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2007*):

3 (a) Any facility, as defined in subsection (a) of section 17b-352,
4 which proposes (1) a capital expenditure exceeding one million
5 dollars, which increases facility square footage by more than five
6 thousand square feet or five per cent of the existing square footage,
7 whichever is greater, (2) a capital expenditure exceeding two million
8 dollars, or (3) the acquisition of major medical equipment requiring a
9 capital expenditure in excess of four hundred thousand dollars,
10 including the leasing of equipment or space, shall submit a request for
11 approval of such expenditure, with such information as the
12 department requires, to the Department of Social Services. Any such
13 facility which proposes to acquire imaging equipment requiring a
14 capital expenditure in excess of four hundred thousand dollars,
15 including the leasing of such equipment, shall obtain the approval of
16 the Office of Health Care Access in accordance with section 19a-639,

17 subsequent to obtaining the approval of the Commissioner of Social
18 Services. Prior to the facility's obtaining the imaging equipment, the
19 Commissioner of the Office of Health Care Access, after consultation
20 with the Commissioner of Social Services, may elect to perform a joint
21 or simultaneous review with the Department of Social Services.

22 (b) An applicant, prior to submitting a certificate of need
23 application, shall request, in writing, application forms and
24 instructions from the department. The request shall include: (1) The
25 name of the applicant or applicants; (2) a statement indicating whether
26 the application is for (A) a new, additional, expanded or replacement
27 facility, service or function, (B) a termination or reduction in a
28 presently authorized service or bed capacity or (C) any new, additional
29 or terminated beds and their type; (3) the estimated capital cost; (4) the
30 town where the project is or will be located; and (5) a brief description
31 of the proposed project. Such request shall be deemed a letter of intent.
32 No certificate of need application shall be considered submitted to the
33 department unless a current letter of intent, specific to the proposal
34 and in accordance with the provisions of this subsection, has been on
35 file with the department for not less than ten business days. For
36 purposes of this subsection, "a current letter of intent" means a letter of
37 intent on file with the department for not more than one hundred
38 eighty days. A certificate of need application shall be deemed
39 withdrawn by the department if a department completeness letter is
40 not responded to within one hundred eighty days.

41 (c) In conducting its activities pursuant to this section, section 17b-
42 352 or both, the commissioner or said commissioner's designee [may]
43 shall hold a public hearing on an application or on more than one
44 application, if such applications are of a similar nature with respect to
45 the request. [At least two weeks' notice of the hearing shall be given to
46 the facility] The commissioner or the commissioner's designee shall
47 provide both the facility and the public with notice of the date of the
48 hearing not less than fourteen days in advance of such date. Notice to
49 the facility shall be by certified mail and notice to the public shall be by

50 publication in a newspaper having a substantial circulation in the area
51 served by the facility. Such hearing shall be held at the [discretion of
52 the commissioner in Hartford or in the area so served] facility for
53 which the application was submitted. The commissioner or said
54 commissioner's designee shall consider such request in relation to the
55 community or regional need for such capital program or purchase of
56 land, the possible effect on the operating costs of the facility and such
57 other relevant factors as the commissioner or said commissioner's
58 designee deems necessary. In approving or modifying such request,
59 the commissioner or said commissioner's designee may not prescribe
60 any condition, such as, but not limited to, any condition or limitation
61 on the indebtedness of the facility in connection with a bond issued,
62 the principal amount of any bond issued or any other details or
63 particulars related to the financing of such capital expenditure, not
64 directly related to the scope of such capital program and within the
65 control of the facility. If the hearing is conducted by a designee of the
66 commissioner, the designee shall submit any findings and
67 recommendations to the commissioner. The commissioner shall grant,
68 modify or deny such request within ninety days, except as provided
69 for in this section. Upon the request of the applicant, the review period
70 may be extended for an additional fifteen days if the commissioner or
71 said commissioner's designee has requested additional information
72 subsequent to the commencement of the review period. The
73 commissioner or said commissioner's designee may extend the review
74 period for a maximum of thirty days if the applicant has not filed in a
75 timely manner information deemed necessary by the commissioner or
76 said commissioner's designee.

77 (d) The Commissioner of Social Services shall adopt regulations, in
78 accordance with chapter 54, to implement the provisions of this
79 section. The commissioner shall implement the standards and
80 procedures of the Office of Health Care Access concerning certificates
81 of need established pursuant to section 19a-643, as appropriate for the
82 purposes of this section, until the time final regulations are adopted in

83 accordance with said chapter 54.

84 Sec. 2. (NEW) (*Effective July 1, 2007*) Notwithstanding the provisions
 85 of subsection (a) of section 17b-354 of the general statutes, the
 86 Department of Social Services may accept and approve a request for
 87 the relocation of an existing Medicaid certified nursing facility located
 88 in a municipality to a location within that municipality, or to another
 89 municipality located within a fifteen-mile radius of such nursing
 90 facility, provided: (1) Relocation to a new site will result in a reduction
 91 in the number of nursing facility beds currently licensed by the
 92 Department of Public Health, (2) relocation of such facility does not
 93 materially adversely affect bed need in the municipality, as determined
 94 pursuant to section 17b-355 of the general statutes, because the facility:
 95 (A) Intends to transfer some of the existing Medicaid certified beds to
 96 another facility within that municipality or to another facility within a
 97 fifteen-mile radius, or (B) the facility intends to otherwise address the
 98 need for nursing home services within the municipality, and (3) the
 99 relocated nursing facility will: (A) Become part of a continuing care
 100 retirement facility that is owned by, or affiliated with, the facility at the
 101 new location, or (B) develop at the relocated location or at a separate
 102 location, independent living and community-based health care
 103 services that obviate or delay the placement of the elderly persons in
 104 nursing facilities, consistent with the State Plan on Aging prepared in
 105 accordance with the requirements of the Older Americans Act of 1965,
 106 as amended.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2007</i>	17b-353
Sec. 2	<i>July 1, 2007</i>	New section

Statement of Purpose:

To: (1) Require that the Department of Social Services, prior to approving a certificate of need application filed by a long-term care facility pursuant to section 17b-352 or 17b-353 of the general statutes,

shall hold a public hearing at the site of the long-term care facility that filed such application, and (2) allow a Medicaid certified nursing facility to relocate to a new location within a fifteen-mile radius of the original location provided certain conditions are met.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. WALKER, 93rd Dist.

H.B. 5639